S.B.CRIMINAL MISC. BAIL APPLICATION NO.3655/2004

03.11.2004

HON'BLE MR.H.R.PANWAR,J.

Mr. B.S. Rathore, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the order impugned and challan papers

It is contended by the learned counsel for the petitioners that there is a cross case being F.I.R. No.389/2002 lodged by petitioner No.1 Ummed Singh and one Bhanwarlal who have suffered numerous injuries at the hands of complainant Ratna Ram.

I have carefully gone through the injury report of petitioner No.1 Ummed Singh who alleged to have suffered two incised wounds and apart from the incised wounds, there are lacerated wounds, so is also the case of Bhanwarlal who has also suffered as many as five injuries. Complainant Ratna Ram has not suffered any injury. Moreso, the allegations are mainly against one Jameel Choudhary who alleged to have assaulted the complainant and extorted an amount of Rs.5,000/-. There appears to be no serious allegations against the present petitioners. On the contrary, the petitioner No.1 has lodged a cross case which is evident from the FIR and the injuries suffered by him.

In the circumstances, therefore, it cannot be said that the provisions of SC/ST Act would ultimately be attracted or not in the present case. However, since the matter is at the investigation stage, therefore, without

commenting on the merit of the case, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, it is directed that in the event of arrest of petitioners Ummed Singh S/o Shri Raghunath Singh, Pokar Ram Choudhary S/o Shri Pema Ram, Manohar Singh S/o Shri Jaipal Singh and Sagir S/o Shri Kaluji in CR No.391/2002 P.S. Makrana (Nagaur), they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer on the following conditions:-

(i) That they shall make themselves available for interrogation by a police officer as and when required;

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That they shall not leave India without the previous permission of the Court.

(H.R.PANWAR),J.

/skm/